

California Code of Regulations
Title 14. Natural Resources
Division 2: Department of Conservation
Chapter 5: Division of Recycling

Legend:

Underline: Proposed Emergency Additions

~~Strikeout~~: Proposed Emergency Deletions

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SUBCHAPTER 1 DEFINITIONS

§ 2000. DEFINITIONS.

(a) In addition to the definitions provided in the California Beverage Container Recycling and Litter Reduction Act, except for subdivisions (a)(3.1), (10), (20), (21), (35), (37), (38), (40) and (42) below which modify definitions in the Act for purposes of these regulations, the following definitions shall apply whenever the terms are used in this chapter.

(1) "Act" means the California Beverage Container Recycling and Litter Reduction Act (Division 12.1 of the Public Resources Code).

(2) "Administrative Costs" means the cost of recordkeeping and accounting required of curbside programs, distributors, recycling centers and processors to comply with the requirements of the Act and these regulations.

(2.1) "Amended Processor Invoice" means an invoice submitted by a processor correcting an original report that has been processed and paid.

(2.2) "Amended Shipping Report" means a shipping report submitted by a processor correcting an original shipping report that has been processed and paid.

(2.5) "Alternative Methodology" means an individual commingled rate survey methodology, which either employs the Division's methodology with variations or creates a proposed methodology for the dropoff or collection, community service or curbside programs to arrive at an individual commingled rate.

(3) "Applicant" means the person(s) who has authority to legally bind the operator to a contract.

(3.1) "Beneficiating Processor" means any processor certified by the department who sells cullet to another certified processor or to a glass container manufacturer during the three months preceding the month in which scrap value data is reported to the Division and who beneficiates purchased cullet so that the cullet either:

(A) meets the American Society for Testing and Materials (ASTM) standard specification for waste glass as a raw material for the manufacture of glass containers [E708-79 (Reapproved 1988) Standard Specification for Waste Glass As A Raw Material For The Manufacture of Glass Containers. Current Edition Approved Nov. 30, 1979; published January 1980, see appendix A]; or

(B) is free from nonglass contaminants and non-container glass compositions, cleansed, crushed to size, free-flowing with minimum water content, absent of hazardous material residue and passes furnace ready sampling and testing methods of a purchasing glass container manufacturer.

(C) Notwithstanding the other provisions of this section, any certified processor shall not be considered a beneficiating processor if fifty percent (50%) or more of the cullet purchased by that processor during the survey month in which the scrap value data is reported was purchased as beneficiated cullet.

(3.2) "Beverage manufacturer" shall have the same definition as provided in Public Resources Code section 14506, and "any person ... who imports", as provided in that section, shall include, in the following order of preference:

(A) Any consignee of filled beverage containers brought into this State from without this State, when the filled beverage containers are for delivery, use, or sale within this State.

(B) Any person or entity to whom delivery is first made in this State of filled beverage containers brought into this State from without this State, when the filled beverage containers are for delivery, use, or sale within this State.

(C) Any person or entity bringing filled beverage containers into this State from without this State which are not consigned to any person, when the filled beverage containers are for delivery, use, or sale within this State.

(4) "Cancellation" means the act of removing the refund value of an empty beverage container by any of the following actions:

(A) Aluminum empty beverage containers shall be deemed cancelled when such containers can no longer be physically reconstituted or distinguished as container units. Except as provided in section 2110(b), this may be accomplished by shredding or densification to thirty pounds per cubic foot or more.

(B) Glass empty beverage containers shall be deemed cancelled when such containers have been substantially cleaned of non-glass contaminants and they are crushed size in such a manner as to be acceptable without further processing by a willing user.

(C) Plastic empty beverage containers shall be deemed cancelled when the original form has been so altered as to make its reconstitution physically impossible.

(D) Bimetal empty beverage containers shall be deemed cancelled by densification sufficient to ensure that separation of a single container is no longer possible, or by shredding, milling, or nuggeting.

(E) Any empty beverage container shall be deemed cancelled when it is permanently exported from the State and export verified in accordance with subsections 2420(d)(1), (2) and (3) of these regulations provided that, if aluminum beverage containers, they are first densified to no less than 15 pounds per cubic foot, or shredded.

(F) Any empty beverage container shall be deemed cancelled when it is delivered to a location of end use and the delivery verified in accordance with subsections 2420(d)(1), (2) and (3) of these regulations provided that the following requirements are met:

1. aluminum beverage containers are first densified to not less than 15 pounds per cubic foot, or shredded.

2. glass beverage containers are delivered to a location of end use, which includes a beneficiating processor, as defined in Public Resources Code section 14503.6.

(5) "Category" means the classification of operation, i.e., processor, recycling center, grandfathered recycling center, dropoff or collection program, or community service program.

(6) "Certificate" means the official document issued by the Division which identifies an operator of a recycling center, dropoff or collection program, community service program or processing facility as meeting the requirements for certification by the Division.

(7) "Certified" means an operator of a recycling center, dropoff or collection program, community service program or processing facility has met the minimum requirements established by the Division to receive the certificate defined in (6) above.

(8) "Certification Sign" means a sign or decal issued by the Division for display which identifies the operator of a recycling center as meeting the requirements for certification by the Division.

(9) "Clearly and Prominently" means that the redemption message is displayed so that it is easily found and read by consumers and recyclers. Each letter comprising the message is complete, legible, and cannot be

readily obscured. Other factors include boldness, width, spacing, and location of lettering. The message must be distinguishable from refund messages of other states.

(9.5) "Close proximity" means the area within, or adjacent to, a convenience zone, as determined by the Division on a case-by-case basis considering geographic and demographic factors, and consumer convenience.

(10) "Commingled" means a mix of empty beverage containers and other containers of the same material type. Any broken glass empty beverage container(s) purchased from consumers, dropoff or collection programs, or community service programs shall be deemed commingled. Any broken or partial beverage container(s) or rejected, line breakage or out-of-state containers shall not be included when performing a survey methodology to arrive at an individual commingled rate or statewide average commingled rate. Dropoff or collection, curbside and community service programs' individual commingled rate shall be determined pursuant to subsection 2620 through 2645, 2660 through 2685, and 2720 through 2745, respectively. The statewide average commingled rates shall be determined by the Division pursuant to subsections 2900(a)(1)(B) and section 2930 of these regulations.

(11) "Community Service Program" means a program, certified by the Division, which does not pay a refund value and accepts or collects empty beverage containers at a specific location or locations and meets one of the following criteria:

(A) The program is organized under Section 501(c) or 501(d) of the Internal Revenue Code [26 U.S.C. 501(c) and 501(d)], or

(B) The program is a charitable group organized under Section 23701 of the California Revenue and Taxation Code, or

(C) The program is operated by, or caused to be operated by, a city, county or other public agency.

(11.1) "Consolidated Shipping Report" documents the delivery and receipt of material for processors or recycling centers that operate multiple recycling centers or receive material from dropoff or collection programs, community service programs, or curbside programs and is prepared pursuant to subsection 2090(f) of these regulations.

(12) "Contrasting Colors" as used in reference to the redemption message lettering means a clear differentiation in hue, value, and intensity with the background on which the redemption message appears, surrounding artwork, and other nearby printed information.

(13) "Days" means all calendar days unless provided otherwise.

(14) "Delivered" or "Delivery", as used in subchapters 5 & 6 of these regulations, means physically taking possession of the material.

(15) "Dual Certified Entity" means any person who is certified as a processor and also a recycling center at the same location as the processor.

(16) "Densification" means the process of compressing material for the purpose of increasing the weight to volume ratio.

(17) "Disposal Cost" means the transportation cost for hauling postfilled beverage container types to a state-permitted disposal site (landfill, incinerator, or other type of state-permitted site), plus the specified disposal fee.

(18) "Division" means the Division of Recycling, which is within the Department of Conservation.

(19) (Reserved)

(20) "Dropoff or Collection Program" means a recycling program which does not pay refund value and accepts or collects empty beverage containers, and which cannot qualify as a curbside program as defined in Section 14509.5 of the Act. "Dropoff or Collection Program" also means a program which separates recyclables from mixed municipal waste. "Dropoff or Collection Program" does not mean a program which accepts or collects recyclable materials which have already been separated from mixed municipal waste. Dropoff or Collection Program includes a Neighborhood Dropoff Program which meets all of the criteria in Section 14514.4.1 of the Act.

(21) "Empty Beverage Container" means a beverage container which meets all the requirements in Section 14512 of the Act except that such term does not include refillable beverage containers.

(22) "Exemption" means an exclusion to the requirement that a recycling center must be established in a convenience zone.

(22.5) "Exempt convenience zone" or "Exempt zone" means a convenience zone which has been granted an exemption pursuant to Section 14571.8 of the Act.

(23) "Exporting" means the act of sending a filled or unfilled empty beverage container or empty beverage container component permanently out of this State.

(24) "Facility" means a recycling or processing operation that has been built, installed or established to serve as a collection or processing point for redeemable beverage containers.

(25) "Grandfathered" is a term which refers to recycling centers that meet the requirements of section 2500(c) of these regulations.

~~(26) "Importing" means the act of bringing into this State a filled or unfilled empty beverage container or empty beverage container component.~~

(27) "Indelibly" means that the redemption message is permanently affixed on the beverage container from the point of purchase until the point of redemption and cannot be smeared or removed during regular use.

(27.1) "Individual Commingled Rate" means a commingled rate approved by the Division which is applicable to dropoff or collection, community service, or curbside programs, which have obtained prior approval from the Division.

(27.5) "Interested person" means a supermarket, dealer, certified recycling center, person with a pending certification application, located in or in close proximity to the zone under consideration for an exemption or revocation of an exemption, or a local government agency with jurisdiction over the area where the zone under consideration for an exemption or revocation is located.

(27.6) "Line Breakage," for purposes of these regulations, means preconsumer material that is recycled or disposed of by a container manufacturer, beverage manufacturer, distributor, or dealer.

(27.7) "Letter of Denial" (LED) means a notice sent to program participants denying requests to conduct an individual commingled rate survey or denying approval of an individual commingled rate, or revoking an individual commingled rate for reason(s) indicated in the LED.

(28) "Location" means the street address where the facility operates.

(29) "Location of End Use" means the place where beverage containers or materials are physically reconstituted for purposes other than sorting, shredding, stripping, compressing, storing, landfilling, disposing, or other activities which do not result in recycling.

(29.5) "Low volume" means an average monthly volume, as defined at Section 14503.5 of the Act, which is less than the statewide average monthly volume of recycling centers in convenience zones. Average monthly

volumes shall be calculated annually and shall apply during the calendar year immediately following the calculation.

(30) "Material" means the physical substance used to manufacture a beverage container or food and drink package including, but not limited to, aluminum, bimetal, glass, and plastic.

(30.7) "Milk" means the lacteal secretion which is obtained from the udder of a cow or goat.

(31) "Minimum Lettering Size" is applicable to the height of all the letters in the redemption message.

(32) "Nonaffiliated seller" means any person who sells scrap beverage container material types to a certified processor and is neither owned nor managed in common with such processor.

(32.4) "Notice of Denial" (NOD) means a notice sent to program participants denying requests for program payments, including handling fees, for reason(s) indicated on the notice. Handling fee notices will be sent for each denied site and will explain why the site was denied during a particular month.

(33) "Operator" means the person(s) or entity who has ultimate responsibility for a recycling facility, processing facility, dropoff or collection program, or community service program.

(34) "Person" means an individual, corporation, operation, or other entity, regardless of its form, subject to the Act.

(35) "Processor" means any person, including a scrap dealer, who purchases or offers to purchase empty beverage containers from more than one recycling center in this state and is responsible for canceling empty beverage container(s) in a manner prescribed in section 2000(a)(4) of these regulations.

(35.1) "Processor Invoice" means the report required in section 2425 of these regulations which the Department uses to determine payment to a certified processor.

(36) "Public Agency" means the city, county, district or other government entity which operates a curbside program or which has the authority to approve or acknowledge the operation of a curbside program.

(36.5) "Recycling Center" means those operations defined in Section 14520 of the Act and includes "Nonprofit Convenience Zone Recycler" as defined in Section 14514.7 of the Act and "Rural Region Recycler" as defined in Section 14525.5.1 of the Act.

(37) "Redeem" means to return an empty beverage container which bears the message as required in Section 14561 of the Act to a certified recycling or processing facility and receive refund value for the container.

(38) "Redeemable Beverage Container" means a container which bears the message as required in Section 14561 of the Act and has an established refund value.

(39) "Redemption Weight" is the weight of empty California redemption-labeled beverage containers.

(40) "Refund Value" means, in addition to the definition provided in Section 14524 of the Act, any amount paid by a noncertified recycler, dropoff or collection program, or community service program, or any payments received by a noncertified recycler, in excess of:

(A) For aluminum, the scrap price as listed in the American Metal Market publication.

(B) For glass, plastic and bimetal, the portion of the processing payment which are the costs for the recycler, as determined by the Division pursuant to Section 14575 of the Act.

(41) "Rejected Container" means a California redemption-labeled beverage container, which a container manufacturer or beverage manufacturer elects to recycle or dispose of without paying any applicable processing fee, or which a distributor elects to recycle or dispose of without paying the redemption payment. "Rejected containers" includes container tops, lids, or other components which bear the message as required in Section 14561 of the Act.

(41.05) "Representation of Materials" means a typical collection of commingled container materials, of the same material type, representing a ratio of empty beverage containers and all other containers collected by the program and surveyed by the operator to determine an individual commingled rate for dropoff or collection, community service, or curbside programs.

(41.1) "Rural Region" means a non-urban area identified by the Division on an annual basis using Farmers Home Administration criteria. Such criteria for area include, but are not limited to, places, open country, cities, towns, or census designated places with populations less than 10,000. Areas with populations between 10,000 and 50,000 may be designated as rural unless identified as part of, or associated with, urban areas, as determined by the Department on a case by case basis.

(41.2) "Scrap", for purposes of these regulations, is any recyclable container, including food or drink packaging material, other beverage containers, other nonredeemable containers, out-of-state beverage containers, line breakage or rejected containers, of the same material composition as redeemable containers covered by the Act.

(42) "Scrap Value" is the total net payment per ton to any nonaffiliated seller in each of the following categories: Certified recycling centers, dropoff or collection programs, community service programs, registered curbside programs, and certified processors, for container material types.

(43) "Segregated" means divided by material type and that such divided load consists of 100% California Refund Value material.

(44) "Shipping Report" is the documentation of the receipt of material by a processor, or by a recycling center from another recycling center, dropoff or collection program, community service program, or curbside program. The shipping report is the basis for payments by the Division pursuant to Section 14573 of the Act.

(45) "Shrinkage" means the reduced value due to contamination of empty beverage containers by dirt, moisture, or other foreign substances.

(45.5) "Signature" or "signed" means either of the following:

(A) An original handwritten signature; or

(B) An electronic signature. An electronic signature includes an electronic sound, symbol, or process attached to or logically associated with an electronic record, executed or adopted by a party with the intent to represent an original handwritten signature.

1. An electronic signature shall consist of a unique username and password or other security measures as required by the Division.

2. An electronic signature may not be denied legal effect, validity, or enforceability solely on the ground that it is electronic.

3. An electronic signature shall be binding on all persons and for all purposes under the law, as if the signature had been handwritten on an equivalent paper document.

(46) "Size" means the capacity of the beverage container in fluid ounces.

(47) "Statistical Sample" means an estimate with an 85% confidence level.

(47.1) "Supplemental Processor Invoice" means:

(A) A report to correct any shipping report(s) denied on the original processor invoice and/or

(B) A report to add any shipping report(s) to the original processor invoice for transactions that occurred within the same specific reporting period.

(47.2) "Total Net Payment", as used in subparagraph (a)(42) of this section and section 2425, means the amount paid for the reported monthly weight after deductions (e.g., transportation service) and additions (e.g., freight

allowance) pertinent to the specific sales transaction have been made. "Total net payment" includes positive, zero and negative dollar amounts, as applicable. This subsection is not intended to relieve a processor of its obligation to pay refund value, administrative and processing payments pursuant to Sections 14539(b)(3) of the Act and sections 2400 and 2430 of this chapter.

(47.3) "Urban Area" means an area identified by the Division on an annual basis using Farmers Home Administration criteria. Such criteria for area include, but are not limited to, densely settled areas of continuous residential development with minimum population of 50,000. Areas with populations less than 50,000 and greater than 10,000 may be designated as urban unless identified as part of, or associated with, rural areas, as determined by the Department on a case by case basis.

(47.5) "Vegetable juice" means one hundred percent vegetable juice as described in 21 CFR 102.33.

(48) "Working Days" means all days except Saturdays, Sundays, and official California State Holidays.

(49) "Zonemate" means a supermarket which lies within the boundaries of a convenience zone other than the one that it creates.

Authority: Sections 14530.5(b), 14536(b), ~~and~~ 14536.1, [and 14599](#), Public Resources Code. Reference: Sections 14500, 14501(f), 14503, 14503.6, 14504, 14505, 14506.5, 14509.5(b), 14511.7, 14512, 14512.5, 14513, 14514.4.1, 14514.7, 14517, 14518, 14518.5, 14519.5, 14520, 14520.5, 14520.6, 14522.5, 14524, 14525.5.1, 14526, 14530, 14530.2, 14536(a), 14537, 14538, 14539, 14550, 14552, 14561, 14571.2, 14571.8(b), 14572, 14573, 14573.5, 14573.51, 14574, and 14575(a) and (b), Public Resources Code.

SUBCHAPTER 2. GENERAL REQUIREMENTS

Article 4. General Accounting Requirements

§ 2085. RECORDS.

Any records which persons are required to maintain pursuant to these regulations shall be kept in accordance with the following provisions:

(a) Location of Records.

(1) Records of certified recycling centers and certified processors shall be kept at the business address identified in the application for certification pursuant to section 2045(a)(2) or (a)(6) of these regulations. Records may be moved to and kept at a different location if notice is given to the Division pursuant to subsection (3) below.

(2) Container manufacturers in this state, beverage manufacturers in this state, and distributors shall give the Division notice of the location of their records on or before October 1, 1987. Notice of any change in location, or intent to establish a new location of such records, shall be provided pursuant to subsection (3) below.

(3) Notice shall mean written notice stating the full name of the person; certification number where applicable; complete present and future addresses of the location of the records, and name and phone number of the individuals responsible for such records. Such notice shall be submitted no less than 10 days prior to any change in location or establishment of a new location.

(4) Records of dropoff or collection programs and community service programs shall be kept at the business address identified in the application for certification pursuant to section 2055(a)(1) of these regulations. Records may be moved to and kept at a different location, if notice is given to the Division pursuant to subsection (3) above.

(5) Records of persons importing empty beverage container material, as defined in section 2830 of these regulations, shall be kept at the address of the person preparing the report that is provided in the signature section of the Imported Material Report pursuant to Section 2835(a)(6) of these regulations. Records may be moved to and kept at a different location if notice is given to the Division pursuant to subsection (3) above.

(b) Record Retention Period. Records shall be maintained for at least five years following their preparation.

(c) Suitability for Examination. Any receipt or log records that certified recycling centers other than reverse vending machines are required to maintain pursuant to this chapter shall be original receipt or log records. All records maintained pursuant to this chapter shall be suitable for examination. All records suitable for examination shall be prepared and retained in accordance with all of the following conditions:

(1) records must be legible;

(2) records must be stored at the address identified by the certified operator pursuant to subsection (a)(1), (3) or (4) above;

(3) records must be stored in a secured area where the records are protected from debris, moisture, contamination, hazardous waste, fire and theft;

(4) records shall not be stored in an unprotected area, stored in an outside location, stored in a motor vehicle or stored in a location where the records are likely to become contaminated, damaged or stolen.

(d) If the Department determines that records do not meet the conditions in Section 2085(c), the Department may take disciplinary action against the certificate holder pursuant to Section 14591.2(c) of the Act.

SUBCHAPTER 6 RECYCLING CENTERS

Article 1. Requirements for Recycling Centers

§ 2501. LOAD INSPECTION REQUIREMENTS.

(a) Certified recycling centers shall inspect each load of containers, subject to the Act, delivered to the recycling center, for which refund value is claimed, to determine whether the load is eligible for any refund value and, if so, to determine whether the load is segregated or commingled, as follows:

(1) For transactions with consumers, the recycling center shall remove the containers from any bag, box or other receptacle used to deliver the material to the recycling center and visually inspect the containers prior to determining the basis for payment and paying the seller. In no case shall a certified recycling center pay or claim the refund value for any material not inspected by the recycling center.

(2) For any load delivered to a recycling center, from a dropoff or collection program, community service program, curbside program or other recycling center, each recycling center taking delivery of the material shall visually inspect each load of material by monitoring the unloading and/or conveyor process to determine eligibility and whether the load is segregated or commingled.

(b) In addition to the requirements of section 2110 of these regulations, a load of material shall be deemed not eligible for any refund value if any one of the following conditions exist:

(1) There are pieces of broken, densified bales or biscuits of aluminum beverage containers within the load. This does not include cans which have merely been flattened.

(2) Pieces of bales of plastic are found in the load.

(3) The motor vehicle, if any, used to deliver the load has a license plate from any foreign country, or any state other than California, unless all of the following conditions are met:

(A) The person delivering the load is not a noncertified recycler, as defined at Section 14520.6 of the Act; and,

(B) The total refund value of material delivered by any one person per day does not exceed fifty (50) dollars (\$50.00); and,

(C) The load is not ineligible pursuant to subsection (b)(1), above.

(c) Once eligibility is determined payment shall be calculated pursuant to section 2535(d), of these regulations.

(d) All out-of-state material, whether labeled with the message required in Section 14561 of the Act or not, and all rejected and line breakage containers are not eligible for any refund value payments.

(e) All rejected, and line breakage ~~or out of state~~ containers in a load delivered from another recycling center, dropoff or collection program, community service program or curbside program, whether labeled or not with the message required in Section 14561 of the Act, must be excluded from the received weight of the load.

(f) Certified recycling centers shall not receive, accept, or take delivery from any source material that the certified recycling center knows, or should know, was imported into this State, whether labeled with the message required in Section 14561 of the Act or not. All loads containing out-of-state material ~~received from consumers~~ are not eligible for any refund value payments.

(g) Loads received from consumers shall have rejected or line breakage containers removed from the load or the load is not eligible for any refund value payments.

Authority: Sections 14530.5, ~~and~~ 14536, [14596](#), ~~and~~ [14599](#), Public Resources Code. Reference: Sections 14538, [14539](#), [14539.5](#), ~~and~~ 14553, [14572\(d\)\(2\)](#), [14595](#), [14595.4](#), [14595.5](#), [14596](#), ~~and~~ [14597](#), Public Resources Code.

SUBCHAPTER 11.1. OUT-OF-STATE IMPORTATION

Article 1. Definitions Applicable To This Subchapter

§ 2830. DEFINITIONS

(a) Notwithstanding the definitions provided in the California Beverage Container Recycling and Litter Reduction Act and Section 2000 of these regulations, the following definitions shall apply whenever the terms are used in this subchapter.

(1) "Empty beverage container material" means glass, plastic, aluminum or bimetal beverage containers or pieces of beverage containers, whether or not they are labeled with the message required in Section 14561 of the Act, that:

(A) Have the seal or closure installed by the manufacturer broken or removed; and

(B) Are imported into this State.

(2) "Imported Material Report" means the report required by Section 2835 of these regulations.

(3) "Persons importing empty beverage container material" means any person bringing or transporting empty beverage container material into this State and any persons responsible for hiring, paying, directing, contributing to, participating in, or otherwise influencing others to bring or transport empty beverage container material into this State.

(4) "Persons receiving imported empty beverage container material" means any person that takes delivery of empty beverage container material that was imported into this State and any persons responsible for hiring, paying, directing, contributing to, participating in, or otherwise influencing others to take delivery of empty beverage container material imported into this State.

(5) "Proof of inspection" means a written document issued by a California Department of Food and Agriculture inspector, Division staff person, law enforcement officer, or other appropriate official after a load of empty beverage container material passes inspection for entry into this State.

Authority: Sections 14530.5(b), 14536, 14596, and 14599, Public Resources Code. Reference: Sections 14512, 14536.5, 14553(b), 14561, 14595, 14595.4, and 14596. Public Resources Code.

Article 2. Requirements and Limitations Applicable to Empty Beverage Container Material Imported Into California

§ 2831. OPERATING STANDARDS.

(a) Persons importing more than 25 pounds of aluminum, bimetal or plastic empty beverage container material, or more than 250 pounds of glass empty beverage container material, into this State for storage, sale, transfer or export shall operate in accordance with all of the following requirements.

(1) Persons importing empty beverage container material in a motor vehicle shall enter this State only through an open and staffed plant quarantine inspection station maintained pursuant to Section 5341 of the Food and Agricultural Code.

(2) Persons importing empty beverage container material shall complete and sign all appropriate sections of the Imported Material Report for each load of imported empty beverage container material entering this State.

(3) Persons importing empty beverage container material shall maintain copies of all Imported Material Reports, proofs of inspection, and other documentation, and shall provide copies to officials inspecting and persons receiving the material, in accordance with the requirements set forth in this Subchapter and Sections 2085 and 2090 of these regulations. The requirement to provide and maintain these records is in addition to the

documentation requirements of any other laws applicable to the storage, transportation, delivery, sale, or transfer of the material.

(4) Persons importing empty beverage container material shall not deliver any imported empty beverage container material to a facility registered by the Division as a curbside program or certified by the Division as a recycling center, dropoff or collection program, or community service program.

(5) Persons importing empty beverage container material may deliver imported empty beverage container material to a certified processor, including the processor at a dual-certified entity, but the material is ineligible for refund value or other recycling program payments. Dual-certified entities shall receive empty beverage container material imported into this State only as a processor.

(6) Persons importing empty beverage container material may deliver the material to a junk dealer, as defined in Section 21601 of the Business and Professions Code, that is not registered by the Division as a curbside program or certified by the Division as a recycling center, dropoff or collection program, or community service program, but the material is ineligible for refund value or other recycling program payments.

(A) Aluminum empty beverage container material imported into this State and delivered, sold, or transferred to a junk dealer is ineligible for refund value and other recycling program payments and shall be handled as nonferrous material subject to the laws governing scrap metals and alloys in accordance with article 3 of chapter 9 of division 8 of the Business and Professions Code (commencing with Section 21600).

(7) Persons importing empty beverage container material weighing more than 100 pounds shall obtain and retain a weight ticket issued by a weighmaster licensed, certified, registered, or otherwise officially credentialed by the applicable jurisdiction describing the material and indicating the weight for each individual load of empty beverage container material. A separate weight ticket shall be prepared and retained for each load by material type. The weight tickets shall be maintained attached to the corresponding Imported Material Report.

(8) Persons importing empty beverage container material shall not receive any refund value or other recycling program payments for the material.

(9) Persons importing empty beverage container material shall cooperate fully with any California Department of Food and Agriculture inspector, Division staff person, law enforcement officer, or other appropriate official to fulfill the purposes of Section 14596 of the Act and these regulations, including declaring the material at the inspection station, providing an Imported Material Report with the appropriate sections completed and the proper supporting documents attached, offering the material for inspection, following directions for completing the inspection, preparing, submitting, and maintaining the required records, making available for review and examination all records related to the material, providing full, true and correct information, delivering the material with all required documentation to the destination indicated on the Imported Material Report, and granting access to records, premises, equipment, facilities, and operations.

(b) Persons receiving imported empty beverage container material shall operate in accordance with all of the following requirements.

(1) Persons receiving imported empty beverage container material shall not take delivery of any imported empty beverage container material that is not accompanied by a proof of inspection and an Imported Material Report that has the appropriate sections completed, has the proper supporting documents attached, correctly identifies the delivery location, and accurately describes the material.

(2) Persons receiving imported empty beverage container material shall inspect each load of material to determine whether the material matches the description on the accompanying Imported Material Report.

(3) Persons receiving imported empty beverage container material shall prepare weight tickets describing the material and indicating the weight for each individual load of imported empty beverage container material received. A separate weight ticket shall be prepared for each material type received. Weight tickets for

loads of material weighing more than 100 pounds shall be issued by a weighmaster licensed pursuant to Chapter 7 of Division 5 of the Business and Professions Code (commencing with section 12700). A copy of each weight ticket shall be provided to the person delivering the material.

(4) Persons receiving imported empty beverage container material shall complete and sign all appropriate sections of the Imported Material Report upon taking delivery of the material.

(5) Persons receiving imported empty beverage container material shall not pay, claim, or receive any refund value or other recycling program payments for the material.

(6) Persons receiving imported empty beverage container material shall cooperate fully with any California Department of Food and Agriculture inspector, Division staff person, law enforcement officer, or other appropriate official to fulfill the purposes of Section 14596 of the Act and these regulations, including preparing and completing all required documentation, providing full, true and correct information, and granting access to records, premises, equipment, facilities, and operations.

Authority: Sections 14530.5(b), 14536, 14596, and 14599, Public Resources Code. Reference: Sections 14538(d)(5), 14538(d)(6), 14539(d)(5), 14539(d)(6), 14539.5(b), 14551.5, 14552, 14553, 14572, 14573.6, 14595, 14595.4, 14595.5, and 14596, Public Resources Code.

§ 2831.1. LOAD INSPECTIONS UPON ENTERING CALIFORNIA IN A MOTOR VEHICLE.

(a) Pursuant to Section 14596 of the Act, persons importing empty beverage container material containing more than 25 pounds of aluminum, bimetal or plastic empty beverage container material, or more than 250 pounds of glass empty beverage container material using a motor vehicle shall, upon entering this State:

(1) Pass through the nearest open and staffed plant quarantine inspection station maintained pursuant to Section 5341 of the Food and Agricultural Code; and

(2) Declare that empty beverage container material is being imported into this State and submit the material for inspection; and

(3) Provide to a California Department of Food and Agriculture inspector, Division staff person, law enforcement officer, or other appropriate official an Imported Material Report that has the appropriate sections completed, has the proper supporting documents attached, correctly identifies the delivery location, and accurately describes the material; and

(4) Obtain from the California Department of Food and Agriculture inspector, Division staff person, law enforcement officer, or other appropriate official a copy of the Imported Material Report with the appropriate sections completed by the official to record information about the inspection of the material; and

(A) A copy of an Imported Material Report with the appropriate sections completed and all required supporting documents attached shall be in the possession of the driver of the vehicle at all times while the imported empty beverage container material is being transported in this State; and

(5) Obtain from the California Department of Food and Agriculture inspector, Division staff person, law enforcement officer, or other appropriate official a proof of inspection of the empty beverage container material; and

(A) The proof of inspection shall be in the possession of the driver of the vehicle at all times while the imported empty beverage container material is being transported in this State; and

(6) Proceed immediately and directly to a secondary inspection location when directed to do so by a California Department of Food and Agriculture inspector, Division staff person, law enforcement officer, or other appropriate official, and present the empty beverage container material for inspection immediately upon arrival.

(b) After meeting the requirements of subsection (a) above, persons importing empty beverage container material using a motor vehicle shall proceed with copies of the Imported Material Report, proof of inspection, and any other required documents to promptly deliver the empty beverage container material to the destination indicated on the report.

Authority: Sections 14530.5(b), 14536, 14536.5, 14596, and 14599, Public Resources Code. Reference: Section 14596, Public Resources Code.

§ 2831.2. EMPTY BEVERAGE CONTAINER MATERIAL IMPORTED INTO THIS STATE IS INELIGIBLE FOR RECYCLING PROGRAM PAYMENTS.

Empty beverage container material imported into this State is ineligible for refund value and other recycling program payments, whether or not the material is labeled with the message required in Section 14561 of the Act.

Authority: Sections 14530.5(b), 14536, 14596, and 14599, Public Resources Code. Reference: Sections 14538(d)(5), 14538(d)(6), 14539(d)(5), 14539(d)(6), 14539.5(b), 14561, 14572(d)(2), 14595, and 14595.5, Public Resources Code.

§ 2831.3. PROHIBITION AGAINST CURBSIDE PROGRAMS, RECYCLING CENTERS, DROPOFF OR COLLECTION PROGRAMS, AND COMMUNITY SERVICE PROGRAMS TAKING DELIVERY OF IMPORTED EMPTY BEVERAGE CONTAINER MATERIAL.

No person registered by the Division as a curbside program or certified by the Division as a recycling center, dropoff or collection program, or community service program shall take delivery of any empty beverage container material the person knows, or should know, was imported into this State.

Authority: Sections 14530.5(b), 14536, 14596, and 14599, Public Resources Code. Reference: Sections 14538(d)(5), 14538(d)(6), 14539(d)(5), 14539(d)(6), 14539.5(b), 14572(d)(2), 14595, and 14595.5, Public Resources Code.

§ 2831.4. PROHIBITION AGAINST DELIVERING AND TAKING DELIVERY OF IMPORTED EMPTY BEVERAGE CONTAINER MATERIAL WITHOUT PROPER DOCUMENTATION.

(a) No person shall deliver or cause to be delivered in California any empty beverage container material the person knows, or should know, was imported into this State, unless the material is accompanied by a proof of inspection and an Imported Material Report that has the appropriate sections completed, has the proper supporting documents attached, correctly identifies the delivery location, and accurately describes the material.

(b) No person shall take delivery in California of any empty beverage container material the person knows, or should know, was imported into this State, unless the material is accompanied by a proof of inspection and an Imported Material Report that has the appropriate sections completed, has the proper supporting documents attached, correctly identifies the delivery location, and accurately describes the material.

Authority: Sections 14530.5(b), 14536, 14596, and 14599, Public Resources Code. Reference: Sections 14538(d)(5), 14538(d)(6), 14539(d)(5), 14539(d)(6), 14539.5(b), 14572(d)(2), 14595, 14595.4, 14595.5, 14596, 14597, and 14599, Public Resources Code.

§ 2831.5. PROHIBITION AGAINST ENTERING STATE WITHOUT PASSING THROUGH INSPECTION STATION, PROVIDING AND MAINTAINING PROPER DOCUMENTATION, AND PASSING INSPECTION.

No person shall enter this State with empty beverage container material containing more than 25 pounds of aluminum, bimetal or plastic empty beverage container material, or more than 250 pounds of glass empty beverage container material using a motor vehicle without passing through an open and staffed plant quarantine inspection station maintained pursuant to Section 5341 of the Food and Agricultural Code, declaring the material, submitting

the material for inspection, providing an Imported Material Report with the appropriate sections completed and the proper supporting documents attached, and passing all required inspections.

Authority: Sections 14530.5(b), 14536, 14596, and 14599, Public Resources Code. Reference: Section 14596, Public Resources Code.

Article 3. Notification Requirements

§ 2832. NOTIFY DIVISION OF CHANGES TO IMPORTED MATERIAL REPORT.

From the time the information is entered on the report and continuing for 15 calendar days after the material is delivered, persons importing empty beverage container material shall notify the Division in writing of any changes to the information provided on an Imported Material Report within 24 hours after discovering that any mistaken, incomplete, inaccurate, or untruthful information was recorded on the report.

Authority: Sections 14530.5(b), 14536, 14596, and 14599, Public Resources Code. Reference: Sections 14553 and 14596, Public Resources Code.

Article 4. Reporting and Recordkeeping Requirements

§ 2833. APPLICABILITY.

In addition to the general requirements of subchapter 2, persons importing empty beverage container material and persons receiving imported empty beverage container material shall comply with the reporting and recordkeeping provisions of this Article.

Authority: Sections 14530.5(b), 14536, 14596, and 14599, Public Resources Code. Reference: Sections 14536.5, 14553, 14595, 14595.4, 14595.5, 14596, and 14597, Public Resources Code.

§ 2834. RECORDKEEPING.

Persons importing more than 25 pounds of aluminum, bimetal or plastic empty beverage container material, or more than 250 pounds of glass empty beverage container material, shall maintain the following records in accordance with this Article and the general requirements set forth in Sections 2085 and 2090 of these regulations. Records shall be maintained for at least five years following their preparation, in accordance with Section 2085(b) of these regulations.

(a) Imported Material Reports. Persons importing empty beverage container material shall retain copies of all Imported Material Reports prepared, submitted, or received pursuant to these regulations. The Imported Material Reports shall be maintained with all other corresponding documents attached, including proofs of inspection and weight tickets.

(b) Proofs of Inspection. Persons importing empty beverage container material shall maintain copies of all proofs of inspection received pursuant to Section 2831.1 of these regulations. The proofs of inspection shall be maintained attached to the corresponding Imported Material Report.

(c) Weight Tickets. Persons importing empty beverage container material shall prepare and maintain weight tickets indicating the material type(s) and weight(s) of each individual load of imported empty beverage container material. The weight tickets shall be maintained attached to the corresponding Imported Material Report.

(d) Location of Records. Records of persons importing empty beverage container material shall be kept at the address of the person preparing the report that is provided in the signature section of the Imported Material Report required by Section 2835(a)(6) of these regulations. Records may be moved to and kept at a different location if notice is given to the Division pursuant to Section 2085(a)(3) of these regulations.

Authority: Sections 14530.5(b), 14536, 14596, and 14599, Public Resources Code. Reference: Sections 14553, 14595, 14595.4, 14595.5, 14596, and 14597, Public Resources Code.

§ 2835. REPORTING.

Persons importing empty beverage container material and persons receiving imported empty beverage container material in excess of the minimum weights specified in Section 14596(a) of the Act shall prepare the applicable sections of the Imported Material Report described in this Section for each load of empty beverage container material imported into California. A separate Imported Material Report shall be prepared for each material type entering this State. Each Imported Material Report and all related documents shall be prepared in accordance with the requirements outlined in this Article and Sections 2085 and 2090 of these regulations. Notwithstanding Section 2090(d)(1) of these regulations, persons importing empty beverage container material and persons receiving imported empty beverage container material that have no certification number or Seller's Permit Number may submit Imported Material Reports without obtaining an identification number from the Division.

(a) Persons importing empty beverage container material shall prepare and provide to a California Department of Food and Agriculture inspector, Division staff person, law enforcement officer, or other appropriate official upon entry to this State a hardcopy printout of an Imported Material Report with the appropriate sections completed, whether or not the report was created or submitted electronically, that includes all of the following:

(1) A description of the empty beverage container material, including:

(A) The type of material, such as, aluminum, glass, plastic, or bimetal; and

(B) The condition of the material, such as, loose, baled, densified, shredded, flaked, or other conditions; and

(C) The weight of the material; and

(D) How the weight was calculated; and

1. Loads of imported empty beverage container material weighing more than 100 pounds must be accompanied by a weight ticket prepared by a weighmaster licensed, certified, registered, or otherwise officially credentialed by the applicable jurisdiction; and

(E) The percentage of the load that is empty beverage container material.

(2) Information about the point of origin of the material, including:

(A) The name, address, phone number, and other contact information of the consignor or other person shipping the material; and

(B) The address where the material was loaded for transportation into California.

(3) Information about the vehicles and other equipment used to transport the material, including:

(A) The motor vehicle license number and state or country of issuance; and

(B) The license number and state or country of issuance for any trailer being used; and

(C) The unit numbers of any shipping containers being used; and

(D) The type of vehicle used to transport the imported empty beverage container material; and

(E) The year, make, and model of the vehicle used to transport the imported empty beverage container material; and

(F) For vehicles or combinations of vehicles being operated under a rental agreement with a term of not more than 30 calendar days, the name, addresses, phone numbers, and other contact information of the rental company or other lessor, the vehicle tracking ID number, the rental contract number, and the name of the driver indicated on the rental contract.

(4) Information about the vehicle operator, including:

(A) The name and driver's license number with the state or country of issuance of the person driving the vehicle; and

(B) The signature of the person driving the vehicle with date the driver signed; and

(C) Whether the vehicle operator is a "for-hire motor carrier" or "private motor carrier" as defined in Section 390.5 of Title 49 of the Code of Federal Regulations (49 Code Fed. Regs. § 390.5); and

(D) For-hire motor carriers and private motor carriers, as defined above, shall provide the following information:

1. The name, addresses, phone numbers, and other contact information of the motor carrier; and

2. The USDOT number assigned to the motor carrier by the United States Department of Transportation; and

3. The California Motor Carrier Permit number assigned by the California Department of Motor Vehicles pursuant to Section 34507.5 and Division 14.85 of the Vehicle Code (commencing with Section 34600).

(5) Information about the destination to which the material will be delivered, including:

(A) The type of facility and business activity conducted at the location, such as, a manufacturing facility, certified processor, port or rail terminal, storage yard, warehouse, truck terminal, junk dealer, scrap metal dealer, personal residence, undeveloped parcel, or other facility or business type; and

(B) The complete street address where the material will be delivered; and

(C) The name, address, phone number, and other contact information of the consignee or other person receiving the imported empty beverage container material.

(6) In accordance with the general requirements outlined in Section 2090 of these regulations, the signature of the person preparing the sections of the Imported Materials Report required upon entry to this State and other information, including:

(A) The name, address, phone number, and other contact information of the person preparing the report. If the person is preparing the report on behalf of another, the name, address, phone number, and other contact information of that person shall also be provided; and

(B) The printed name, title, and signature of the person preparing the report; and

1. The signature block shall state that the information in the report is true and correct to the best knowledge of the person signing the report, the person signing is authorized to do so, and the person signing the report acknowledges that empty beverage container material imported into California is ineligible for refund value and other recycling program payments; and

(C) The date the report was signed.

(b) Persons importing empty beverage container material shall provide to the person taking delivery of the material copies of the proof of inspection and the Imported Material Report with the appropriate sections completed and the proper supporting documents attached for each load of imported empty beverage container material delivered in this State. The copies shall be provided at the time the material is delivered. The requirement to provide these records is in addition to the documentation requirements of any other laws applicable to the storage, transportation, delivery, sale, or transfer of the material.

(c) Persons receiving imported empty beverage container material shall, in the course of taking delivery of the material, complete all appropriate sections of the Imported Material Report that includes all of the following:

- (1) The name, address, phone number, and other contact information of the person receiving the imported empty beverage container material; and
- (2) Confirmation that the material is being delivered to the destination indicated on the Imported Material Report; and
- (3) Confirmation that the material presented for delivery matches the description of the material on the Imported Material Report; and
- (4) The printed name, title, and signature of the person accepting delivery of the material; and
 - (A) The signature block shall state that the information in the report is true and correct to the best knowledge of the person signing the report, the person signing is authorized to do so, and the person signing the report acknowledges that empty beverage container material imported into California is ineligible for refund value and other recycling program payments; and
- (5) The date the report was signed by the person taking delivery.

Authority: Sections 14530.5(b), 14536, 14596, and 14599, Public Resources Code. Reference: Sections 14536.5, 14552, 14553, 14595, 14595.4, 14595.5, 14596, and 14597, Public Resources Code.